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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/671,538	09/29/2003	Bernard S. Green	26883	7499	
759	90 09/15/2006		EXAM	EXAMINER	
Martin D. Moynihan			ROGERS, JAMES WILLIAM		
PRTSI, Inc. P. O. Box 16446	5		ART UNIT	PAPER NUMBER	
Arlington, VA 22215			1618		
			DATE MAILED: 09/15/200	6	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/671,538	GREEN ET AL.				
Office Action Summary	Examiner	Art Unit				
	James W. Rogers, Ph.D.	1618				
The MAILING DATE of this communication	appears on the cover sheet with	the correspondence address				
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR RI WHICHEVER IS LONGER, FROM THE MAILIN  - Extensions of time may be available under the provisions of 37 Cf after SIX (6) MONTHS from the mailing date of this communicatio  - If NO period for reply is specified above, the maximum statutory p  - Failure to reply within the set or extended period for reply will, by s  Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	G DATE OF THIS COMMUNICA FR 1.136(a). In no event, however, may a repl n. eriod will apply and will expire SIX (6) MONTH statute, cause the application to become ABAN	ATION. y be timely filed 'S from the mailing date of this communication. IDONED (35 U.S.C. § 133).				
Status		·				
1)⊠ Responsive to communication(s) filed on §	31 July 2006.					
3) Since this application is in condition for all	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice und	der <i>Ex parte Quayle</i> , 1935 C.D. <sup>,</sup>	11, 453 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1-23</u> is/are pending in the applica	ation.					
4a) Of the above claim(s) is/are with						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8)⊠ Claim(s) <u>1-23</u> are subject to restriction and	d/or election requirement.					
Application Papers						
9) The specification is objected to by the Exa	miner.					
10) The drawing(s) filed on is/are: a)		the Examiner.				
Applicant may not request that any objection to	the drawing(s) be held in abeyance	e. See 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the co						
11) ☐ The oath or declaration is objected to by the	e Examiner. Note the attached (	Office Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for for a) ☐ All b) ☐ Some * c) ☐ None of:	reign priority under 35 U.S.C. § 1	19(a)-(d) or (f).				
1. ☐ Certified copies of the priority docur	ments have been received					
2. Certified copies of the priority docur		olication No.				
3. Copies of the certified copies of the						
application from the International Bu	ureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a	a list of the certified copies not re	ceived.				
Attachment(s)						
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-94)</li> </ol>	4) Interview Sur Paper No(s)/l	nmary (PTO-413) Mail Date				
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date		rmal Patent Application				

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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-12 drawn to a method of treating heart disease, classified in class 424, subclass 528.
- II. Claim 1-7 and 14 drawn to a method of treating gallstone disease, classified in class 514, subclass 877.
- III. Claims 1-7 and 14, drawn to a method of treating colorectal cancer, classified in class 424, subclass 573.
- IV. Claims 1-7 and 14, drawn to a method for treating gastroesophageal reflux disease, classified in class 424, subclass 524.
- V. Claims 1-7 and 14, drawn to a method for treating esophageal cancer, classified in class 424, subclass 277.1.
- VI. Claims 1-7 and 15, drawn to a method for treating a disease characterized by a COX-2 mediated inflammatory condition, classified in class 424, subclass 78.05.
- VII. Claims 1-7 and 14, drawn to a method for treating cholestatic liver disease, classified in class 514, subclass 893.
- VIII. Claims 1-7 and 16-23, drawn to a method for performing combination therapy for treating a subject for disease, classified in class 424, subclass 78.08.

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\*Note if invention VIII is elected then applicants can further elect **TWO** of the treatments of disease listed in inventions I-VII.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-VIII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions have different effects in their treatments of disease. While the inventions all share a common process in that the disease are said to all be treatable by MI polymers all of the diseases as disclosed would require a different search in the art for their treatments. For instance a treatment for heart disease in the art would not also encompass a treatment for gastroesophageal reflux disease or any of the other listed diseases in inventions I-VIII for instance.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Rogers, Ph.D. whose telephone number is (571) 272-7838. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MICHAEL G. HARTLEY
SUPERVISORY PATENT EXAMINER